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OFFICE OF PETITIONS

In re Patent No. 7,860,702

Issue Date: December 28, 2010

Application No. 10/666,209

Filed: September 17, 2003

Patentee(s): Peter B. Evans, et. al.

**DECISION ON PETITION
TO WITHDRAW FROM
RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed October 22, 2010.

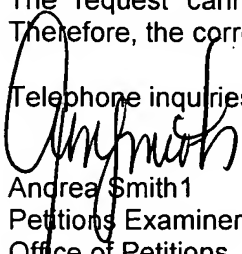
The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw practitioners associated with customer number 00758, when the Oath/Declaration and Power of Attorney filed on September 17, 2003 and February 17, 2004 originally granted power to the attorneys/agents individually.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

The request cannot be approved because practitioners were not appointed by customer number. Therefore, the correspondence address of record will remain as the above-listed address¹.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith¹
Petitions Examiner
Office of Petitions

cc: Peter B. Evans
25259 LaLoma Drive
Los Altos Hills, CA 94022

¹ Consideration was given to this request since it was filed prior to issuance; however, no further consideration will be given to request under 37 CFR 1.36 since the above patent has issued.